

## **REMARKS**

The Office Action of January 11, 2007 has been carefully reviewed and these remarks are responsive thereto. Claims 45 and 85 have been amended. Claims 1-44, 46, 50-76 and 78 have been canceled. Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested. Each of the Examiner's rejections is discussed below.

### **SECTION 112**

Claims 45, 47-49, 77, and 79-87 have been rejected under 35 U.S.C. § 112, second paragraph, on the grounds that the phrase "at least one of said plurality of third cleaning elements is spaced from the second surface in a direction of the first surface by the opening" is unclear.

Independent claims 45 and 85 have been amended above to remove this limitation and are now believed to be in proper form. An indication to that effect is respectfully requested at this time.

### **SECTION 103**

#### **Claims 45, 47-48, 77, and 79-84**

Claims 45, 47-48, 77, and 79-84 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 3,316,576 to Urbush ("Urbush") in view of U.S. Patent No. 5,839,148 to Volpenheim ("Volpenheim"). This rejection is respectfully traversed.

The combination of Urbush and Volpenheim fails to disclose or make obvious a toothbrush with a discontinuity in the form of an opening in the head positioned between an inner end of each of at least one of said plurality of third cleaning elements and a plane defined by the second surface to allow for movement of the at least one of said plurality of third cleaning elements relative to the head, as required by independent claim 1.

Accordingly the rejection is improper and should be withdrawn.

#### **Claims 85-87**

Claims 85-87 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Urbush in view of Volpenheim and U.S. Patent No. 5,896,614 to Flewitt ("Flewitt"). Flewitt is cited as disclosing elastomeric wipers. This rejection is respectfully traversed.

The combination of Urbush, Volpenheim and Flewitt fails disclose or make obvious a toothbrush with movable elastomeric wipers being movable relative to a head within a discontinuity in the form of an opening in the head positioned between an inner end of each movable elastomeric wiper and a plane defined by the second surface, as required by independent claim 85.

Accordingly the rejection is improper and should be withdrawn.

**Claim 49**

Claim 49 has been rejected under 35 U.S.C. § 103(a) over Urbush in view of Volpenheim, U.S. Patent No. 5,813,079 to Halm ("Halm '079"), and U.S. Patent No. 5,951,158 to Halm ("Halm '158"). This rejection is respectfully traversed.

Halm '079 and '158 fail to overcome the deficiencies of Urbush and Volpenheim discussed above since they do not disclose or make obvious a toothbrush with a discontinuity in the form of an opening in the head positioned between an inner end of each of at least one of said plurality of third cleaning elements and a plane defined by the second surface to allow for movement of the at least one of said plurality of third cleaning elements relative to the head, as required by independent claim 1, from which claim 49 depends.

Accordingly the rejection is improper and should be withdrawn.

**CONCLUSION**

It is respectfully submitted that this application is in condition for allowance. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 03-2455.

Respectfully submitted,

Jimenez *et al.*

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